

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 909**

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**Introduced by Assembly Member Wolk**

February 22, 2007

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An act to add Chapter 26 (commencing with Section 14990) to Division 7 of the Water Code, relating to water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 909, as amended, Wolk. Mercury monitoring and remediation.

Under the Porter-Cologne Water Quality Control Act, the state board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards.

This bill would establish the Mercury Monitoring and Remediation Fund in the State Treasury to be administered by the state board. The money in the fund would be available, upon appropriation, for expenditure by the state board for grants for mercury characterization and control studies and projects, grants to ~~local entities~~ *public agencies and nonprofit organizations* for mercury monitoring and remediation, and to finance the development by the state board of a comprehensive

coordinated program for methyl mercury and total mercury characterization and control studies in the Sacramento-San Joaquin Delta. The bill would require the state board to prepare a comprehensive plan for mercury and methyl mercury characterization and control studies and projects in the delta. The state board would be required to convene an advisory group to assist with preparation of the plan.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Mercury bioaccumulation in fish has been identified as a  
4 serious public health threat for people who consume significant  
5 quantities of fish, especially for women of childbearing age and  
6 children who are 17 years of age or younger, as well as for  
7 piscivorous wildlife species.

8 (b) The United States Environmental Protection Agency has  
9 directed the State Water Resources Control Board to establish  
10 mercury total maximum daily loads (TMDLs) for California  
11 waterways listed as impaired for mercury under the federal Clean  
12 Water Act. The state board and the California regional water quality  
13 control boards have established or are in the process of establishing  
14 those TMDLs.

15 (c) Mercury is a legacy pollutant, present in Central Valley  
16 watercourses as a result of historic mining activity and natural  
17 erosion. The TMDLs establish numeric goals that local entities  
18 must meet for mercury in sediment, water, and fish tissue. The  
19 TMDLs may include implementation plans that require local  
20 entities to undertake mercury monitoring and remediation activities.

21 (d) Wildlife habitat restoration, including wetlands restoration,  
22 has long been identified as a major environmental objective in the  
23 Sacramento-San Joaquin Delta, and is a key objective in the current  
24 delta revisioning process.

25 (e) The Department of Water Resources and the United States  
26 Army Corps of Engineers have longstanding flood protection  
27 responsibilities in the delta, including work to repair or upgrade  
28 levees and to manage dredged materials in the delta.

1 (f) Activities that disturb soils and sediment in the delta have  
2 been identified as potential causes of mercury methylation.

3 (g) There is a need for better understanding of the variables that  
4 contribute to mercury methylation and demethylation, particularly  
5 as these processes may be affected by habitat restoration and  
6 various types of water management activities.

7 SEC. 2. Chapter 26 (commencing with Section 14990) is added  
8 to Division 7 of the Water Code, to read:

9  
10 CHAPTER 26. MERCURY MONITORING AND REMEDIATION  
11

12 14990. The Mercury Monitoring and Remediation Fund is  
13 hereby established in the State Treasury. The fund shall be  
14 administered by the state board. The moneys in the fund may be  
15 expended by the state board, upon appropriation by the Legislature,  
16 for the following purposes:

17 (a) Grants for mercury characterization and control studies and  
18 projects, consistent with the plan prepared pursuant to Section  
19 14991.

20 (b) Grants to ~~local entities~~ *public agencies and nonprofit*  
21 *organizations* for mercury monitoring and remediation.

22 (c) To finance the development by the state board of a  
23 comprehensive coordinated program for methyl mercury and total  
24 mercury characterization and control studies in the Sacramento-San  
25 Joaquin Delta.

26 14991. (a) The state board, in collaboration with the California  
27 Environmental Protection Agency and the Central Valley Regional  
28 Water Quality Control Board, shall prepare a comprehensive plan  
29 for mercury and methyl mercury characterization and control  
30 studies and projects in the delta.

31 (b) The state board shall convene an advisory group to assist  
32 with the preparation of the plan described in subdivision (a). The  
33 advisory group shall include, but not necessarily be limited to,  
34 persons with the following qualifications:

35 (1) Persons with scientific expertise in the chemistry of mercury  
36 methylation and bioaccumulation.

37 (2) Persons with expertise in wetlands restoration and  
38 management.

39 (3) Persons with experience in urban water management.

1 (4) Persons with experience in agricultural resource  
2 management.

3 (5) Persons with expertise in public health issues related to  
4 mercury.

5 (6) *Persons representing the environmental justice community.*

6 (c) The state board shall provide public notice on its Internet  
7 Web site of any meetings of the advisory group and, upon the  
8 request of any party, shall mail notice of the time and location of  
9 any meeting of the advisory group. The state board shall also ensure  
10 that the advisory group meets in a manner that facilitates the  
11 effective participation of the public and stakeholders.

12 (d) For the purposes of preparing the plan described in  
13 subdivision (a), the state board shall consider all of the following:

14 (1) The recommendations of the advisory group.

15 (2) The recommendations set forth in the publication entitled  
16 “Mercury Strategy for the Bay-Delta Ecosystem: A Unifying  
17 Framework for Science, Adaptive Management and Ecological  
18 Restoration,” prepared for the California Bay-Delta Authority.

19 (3) The most recent findings of mercury studies undertaken on  
20 behalf of the California Bay-Delta Authority.

21 (e) The purposes of the plan described in subdivision (a) shall  
22 include, but not be limited to, determining the factors that  
23 contribute to mercury methylation and demethylation, and  
24 management practices that can effectively decrease methylation  
25 of mercury.